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STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT & CONSERVATION
OFFICE OF GENERAL COUNSEL

IN THE MATTER OF:

GARY COONAN

Petitioner

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DIVISION OF WATER
POLLUTION CONTROL

Director's Order &
Assessment No. WPC 07-0212

PETITION FOR REVIEW AND REQUEST FOR HEARING

Pursuant to the Tennessee Uniform Administrative Procedures Act, T.C.A. §§ 4-5-301, *et seq.*, and the Tennessee Water Quality Control Act, T.C.A. §§ 69-3-101, *et seq.* (the "Act"), Petitioner, Gary Coonan, hereby objects to the Director's Order and Assessment, Case No. WPC 07-0212, dated October 22, 2007 and received by Respondent on October 24, 2007, issued to Gary Coonan (the "Order"), and appeals the Order and requests a hearing on this matter before the Tennessee Water Quality Control Board.

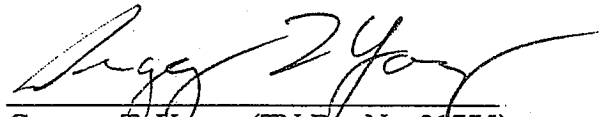
Petitioner seeks review of the assessment of civil penalty assessed in the Order on the grounds that (a) the facts and violations alleged in the Order are in error, particularly as relates to the obligations and actions of Petitioner as opposed to prior actions taken by others at the site, and (b) in light of all relevant facts and circumstances, (i) the civil penalty assessed in this matter is unreasonable and excessive, and (ii) the factors that may be considered under T.C.A. §69-3-115(a)(3) when assessing a civil penalty do not support the imposition of this civil penalty.

The foregoing is not an exhaustive list of the grounds and reasons for Petitioner's objections to the assessment of the civil penalty assessed by the Order. Petitioner reserves the right hereafter to raise additional grounds and reasons by amendment of this Petition or otherwise.

Pursuant to the Act, Petitioner is not required to state grounds and reasons for its objections to orders for corrective action or assessment of damages to the state. Petitioner reserves the right hereafter to raise grounds and reasons for such objections by amendment of this Petition or otherwise.

DATED this 30th day of October, 2007.

Respectfully Submitted,

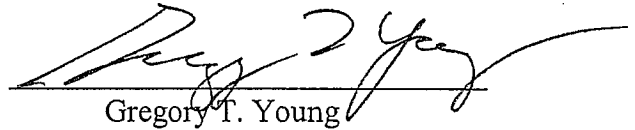


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Attorneys for Petitioner,
Gary Coonan

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by hand delivery upon James H. Fyke, Commissioner of the Tennessee Department of Environment and Conservation, c/o Division of Water Pollution Control, 6th Floor, L & C Annex, 401 Church Street, Nashville, Tennessee 37243-1534 and by mail at c/o Office of General Counsel, 20th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243 the 30th day of October, 2007.



Gregory T. Young

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